

REMARKS

Applicants have the following response to the only rejection in the Final Rejection.

Double Patenting

In the Final Rejection, the Examiner continues to reject Claims 1, 4-7, 13-17, 18-19 and 20-26 provisionally on the grounds of non statutory obviousness-type double patenting as being unpatentable over Claims 15-31 of copending application no. 10/575,202. This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 1 and 20 to recite the feature of “a second layer formed over and being in direct contact with the first layer and containing an organic compound, an electron-supplying material and a first metal oxide.” This feature is supported by, for example, paragraph [0034] in the publication of the present application (US 2007/0040161).

In contrast, Claim 15 of copending application No. 10/575,202 does not recite the feature of “an (first) metal oxide.” Therefore, the pending claims of the present application are different from the claims of the ‘202 application, and there is no double patenting.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Amendment To Claims

In order to advance the prosecution of this application, Applicants are canceling Claims 4 to 7, 16 to 19, and 21 without prejudice or disclaimer.

Applicants are also amending Claims 23 to 28 to correct the claim numbers recited therein from which these claims depend.

New Claims

Applicants are also adding new dependent Claims 29 to 32, and 34 which are similar to canceled Claims 4 to 7, and 19 but are multiple dependent claims. Applicants are also adding new dependent Claim 33 which recites a material of the anode. This claim is supported by, for example, paragraph 32 in the publication of the present application (US 2007/0040161).

As these are dependent claims, they are allowable for at least the reasons discussed above for the independent claims. Accordingly, it is respectfully requested that these new claims be entered and allowed.

If any fee should be due for these new claims, please charge our deposit account 23/0920.

Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, the IDS, and/or the new claims, please charge our deposit account 23-0920.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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